

REMARKS

I. Status

Claims 1-11 are pending in this Application, of which claims 9-11 are withdrawn from consideration.

The Abstract is objected to.

The Title is objected to.

The Figures are objected to.

Claims 1-4 are objected to.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsagarakis (U.S. Patent Application Publication No. 2002/0087455).

Of the currently pending claims, claims 1-4 are independent.

With this response, claims 1-4 are amended. No new matter has been added.

II. Objection to the Abstract

The Office Action objects to the Abstract, the Office Action stating that:

“[t]he abstract of the disclosure is objected to because the abstract recites ‘... related to performing currency exchange are presented. Through the establishment of ‘exchange shares,’ ... the execution of currency exchange ...’. This would be better recited as ‘... related to performing a currency exchange are presented. Through the establishment of ‘exchange shares,’ ... the execution of a currency exchange ...’”
(see Office Action p. 2).

With this response, the Applicant amends the Abstract in accordance with the Office Action’s suggestion. No new matter has been added.

The Applicant submits that the Abstract, at least as amended herewith, is in compliance with 37 C.F.R. 1.72, and respectfully requests that the objection be withdrawn.

III. Objection to the Title

The Office Action objects to the Title, the Office Action stating that:

“[t]he title of the invention recites ‘SYSTEM AND METHOD FOR STOCK EXCHANGE LISTED FOREIGN EXCHANGE’. A suggestion for a better title is: METHOD FOR A STOCK EXCHANGE FOR HANDLING A CURRENCY EXCHANGE”
(see Office Action p. 2 - p. 3).

The Applicant respectfully submits that the Title, as originally provided, is in compliance with 37 C.F.R. 1.72. Nevertheless, in order to facilitate prosecution, with this response the Applicant amends the Title in accordance with the Office Action’s suggestion.

In view of at least the foregoing, the Applicant respectfully requests that the objection be withdrawn.

IV. Objections to the Figures

The Office Action objects to the Figures, the Office Action stating that:

“... Figure 4 contains shading making it difficult to read the characters inside of the shading. The character elements that are not legible are ‘4050-4053, 4055, 4057-4059, 4061, and 4063’”
(see Office Action p. 3).

With this response, the Applicant amends Fig. 4 such that shading is removed. No new matter has been added.

The Applicant respectfully submits that Fig. 4, at least with the amendment herewith, is in compliance with all appropriate requirements, and respectfully requests that the objection be withdrawn.

V. Objection to Claims 1-4

The Office Action, pointing to the preambles of claims 1-4, objects to these claims “because of ... informalities.”

With this response, the Applicant amends the preambles of claims 1-4.

The Applicant respectfully submits that claims 1-4, at least with the amendments herewith, are in compliance with all corresponding requirements, and respectfully requests that the objection be withdrawn.

VI. Rejections Under 35 U.S.C. 112

The Office Action rejects claims 1-4 under 35 U.S.C. 112, second paragraph, the Office Action stating that:

“Claim 1 needs another step after ‘establishing on a stock exchange ...;’. This claim limitation only recites an intended use and nothing is being done after the establishing of a predetermined exchange shares. It is unclear what is being done with the first currency valued in terms of the second currency. Then the claim goes on to recite ‘establishing a predetermined number of market makers, ...’. There is a step missing after this claim recitation relating to what happens after ‘the market maker has responsibility for at least one of said exchange shares (added to claim) representing a first currency valued in terms of a second currency’. Claims 3 and 4 have a similar problem with the independent claims” (see Office Action p. 4).

The Applicant respectfully disagrees with the rejection. Nevertheless, in order to facilitate prosecution, with this response the Applicant amends claims 1-4.

The Applicant respectfully submits that claims 1-4, at least with the amendments herewith, are in compliance with 35 U.S.C. 112, and respectfully requests that the rejection be withdrawn.

VII.

Rejection of Independent Claims 1-4 Under 35 U.S.C. 102(a)

The Office Action rejects independent claims 1-4 under 35 U.S.C. 102(a) as being anticipated by Tsagarakis. However, the Applicant respectfully submits that Tsagarakis fails, for example, to disclose, teach, or suggest:

“... establishing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency ...”

as set forth in claim 1 (emphasis added).

As another example, Tsagarakis fails to disclose, teach, or suggest:

“... establishing a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency ...”

as set forth in claim 2 (emphasis added).

The Office Action contends that such is disclosed by paragraph [0045] of Tsagarakis.

However, the Applicant respectfully observes that this portion of Tsagarakis instead merely discusses two ways in which profit on a “foreign exchange transaction” can be generated:

“[p]rofit on the foreign exchange transaction is generated in one of two ways. First, E*TRADE Global may simultaneously buy the currency of the target country at a given price (for example, purchasing USD for 1.5400 from a bank/dealer) and sell to the customer at a slightly higher price (for example, 1.5415) ... Second, E*TRADE Global

may take the ask price for the target currency (USD in the example) for the lower price from the dealer (such as 1.5400), but pass the higher ask price (of AUD 1.5415, for example) to the customer”
(see Tsagarakis paragraph [0045]; emphasis added).

Tsagarakis fails, for instance, to disclose, teach, or suggest that the “foreign exchange transaction” involves an exchange share representing a first currency valued in terms of a second currency, and instead merely indicates the “foreign exchange transaction” to be a conventional foreign exchange transaction performed in the case where a non-U.S. customer buys a U.S. equity such as an individual stock or mutual fund share (e.g., IBM stock):

“[e]ach cross-border trade potentially consists of two transactions: the equity transaction and the foreign exchange transaction. FIGS. 3A and 3B illustrates the cross-border trading and execution flow for, e.g., an Australian customer buying a U.S. security ...”
(see Tsagarakis paragraph [0030]; emphasis added),

“... a U.S. equity (such as an individual stock or mutual fund share) ...”
(see Tsagarakis paragraph [0031]; emphasis added),

“[a]t step 301, the E*TRADE Australia customer places a buy order for 100 shares of IBM stock at the market price ...”
(see Tsagarakis paragraph [0031]; emphasis added).

As a further example, Tsagarakis fails to disclose, teach, or suggest:

“... listing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency ...”

as set forth in claim 3 (emphasis added).

As an additional example, Tsagarakis fails to disclose, teach, or suggest:

“... listing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency ...”

as set forth in claim 4 (emphasis added).

The Office Action contends that such is disclosed among paragraphs [0026], [0031], and [0032] of Tsagarakis. However, the Applicant respectfully observes that these portions of Tsagarakis fail, for instance, to disclose, teach, or suggest an exchange share representing a first currency valued in terms of a second currency, and instead merely regard the above-discussed operation involving a conventional foreign exchange transaction performed in the case where a non-U.S. customer buys a U.S. equity such as an individual stock or mutual fund share (e.g., IBM stock):

“[a]t step 301, the E*TRADE Australia customer places a buy order for 100 shares of IBM stock at the market price ... Preferably immediately after the equity order is executed and reported to E*TRADE Global, E*TRADE Global transacts a foreign exchange order prior to confirming the trade back to E*TRADE Australia in step 310. At step 308, E*TRADE Global transmits an order to the foreign exchange facility to sell Australian dollars”
(see Tsagarakis paragraph [0031]; emphasis added).

In view of at least the foregoing, the Applicant respectfully submits that claims 1-4, as well as those claims that depend therefrom, are in condition for allowance.

VIII. Dependent Claims

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

IX. Conclusion

The Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

X. Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 3892-4003.

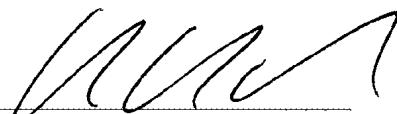
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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